

REMARKS

Claims 1-5 and 7-16 are pending in the above-identified application.

Allowable Claims

Claim 6 was indicated as being in allowable form, and was merely objected to as depending upon a rejected base claim, i.e. claim 1. Claim 6 has been inserted into claim 1. In addition, claim 1 has been amended so as to remove the feature reciting the amount of the organic peroxide in the rubber composition, since this feature was indicated as not being required for patentability in the Final Office Action of January 12, 2005. Therefore, it is submitted that independent claim 1, as well as all of dependent claims 2-5 and 7-16 (all depending from claim 1) have been placed into allowable form.

Removal of Basis for Rejection

Claims 1-3, 5 and 7-16 have been rejected under 35 U.S.C. 103(a) as obvious over Sugimoto '936 (USP 6,390,936) in view of Kato '828 (U.S. 2003/0064828 A1 which is now U.S. Patent No. 6,723,009).

In support of the above-noted rejection, it was stated in the Final Office Action that the combination of Sugimoto '936 and Kato '828 suggests all of the features in claim 1, but that the

additional feature of claim 6 was allowable. The remarks in the Final Office Action indicate that the previously recited feature regarding the amount of the organic peroxide did not establish patentability for the claims, such that this feature has been removed from claim 1 and replaced with the allowable feature recited in claim 6. Consequently, it is submitted that the basis for the above-noted rejection has been removed such that this rejection should be withdrawn.

It is respectfully requested that the changes to claim 1 be entered of record under 37 C.F.R. 1.116, since these changes do not raise any new significant issues and at least place the claims into better form for consideration on appeal, should an appeal be necessary. Since the Final Office Action indicates that the organic peroxide amount feature does not establish patentability, this feature has been removed from the claims and replaced with the allowable feature recited in claim 6. It is submitted that these changes are proper and should be fully considered and entered of record under 37 C.F.R. 1.116.

#### Conclusion

It is submitted for the reasons stated above that the present claims define patentable subject matter such that this application should now be placed condition for allowance.


If any questions arise regarding the above matters, please contact Applicant's representative, Andrew D. Meikle (Reg. No. 32,868), in the Washington Metropolitan Area at the phone number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By

  
Andrew D. Meikle, #32,868

ADM:gmh  
0020-5156P

P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000